

FARMINGTON CITY BOARD OF ADJUSTMENT MEETING

April 14, 2011

BOARD OF ADJUSTMENT STUDY/WORK SESSION

Present: *Chairman Randy Hillier, Vice Chairman Jim Young, Commission Members Steven Andersen, Rick Draper, Kris Kaufman, Michael Nilson, Nelsen Michaelson, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Recording Secretary Cynthia DeCoursey. Commission Members Michael Wagstaff and Brett Anderson were excused.*

Chairman Hillier began the work session at 6:05 p.m., and the following items were discussed:

#3 – Frank McCullough – (Public Hearing) – Applicant is requesting a recommendation of approval of a proposed planned unit development overlay for the Villa Susanna PUD subdivision consisting of five lots on property located on the northeasterly corner of 1400 North Main Street in an LR-F zone. (S-3-11)

The Commission discussed issues related to this proposal--City requirements, the deterioration of the building, existing landscaping, storm drain capabilities, traffic issues on two busy roads and the possibility of a traffic signal at 1400 North Main Street. **Mr. Petersen** said the City's Master Transportation Plan shows the intersection with a circle around it, but there is no text to explain the circle.

#4 – W & R Enterprises LC – (Public Hearing) – Applicant is requesting approval of a conditional use permit for the expansion of the Burt Brothers Tire and Service Center on property located at 976 West Shepard Lane in a C zone. (C-5-11)

Various issues such as parking, traffic flow, ingress/egress, garbage containment, snow removal and parking lot maintenance costs were discussed. **Doug Asay**, owner of Shepard Crossing, expressed concern regarding maintenance costs for the parking lot, and the Commission advised him to speak directly with Burt Brothers representatives.

#5 – Davis School District – (Public Hearing) – Applicant is requesting approval of a conditional use permit for construction of a new Monte Vista School on property located at 97 S. 200 E. in an OTR-F zone. (C-3-11)

The Commission discussed issues concerning this request, including the length of construction, the use of the building, funding, removal of the portables, landscaping, signage and parking.

#6 - PacifiCorp – (Public Hearing) – Applicant is requesting approval of a conditional use permit for the expansion of the Farmington Substation on property located at 70 North 200 West in an OTR zone. (C-6-11)

PacifiCorp plans to expand the capacity of this Substation because of the growing population and increased energy use. There was discussion regarding the design and expansion of the site, landscaping along the easterly and northerly sides of the site, a new decorative stone exterior wall which will enclose the entire substation, and the relocation of the trail slightly to the west.

#7, #8, and #9—Zoning Text Amendments

David Petersen referred to information and comments included in the staff report concerning each of these proposed Amendments.

PLANNING COMMISSION REGULAR SESSION

***Present:** Vice Chairman Jim Young, Commission Members Steven Andersen, Rick Draper, Kris Kaufman, Nelsen Michaelson, and Michael Nilson, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Recording Secretary Cynthia DeCoursey. Chairman Hillier, Michael Wagstaff and Brett Anderson were excused.*

Vice Chairman Young began the meeting at 7:05 p.m. and welcomed those in attendance. An opening prayer was offered by **Rick Draper**.

MINUTES

Motion: **Rick Draper** made a motion to approve the minutes of the March 24, 2011 Planning Commission Meeting. The motion was seconded by **Steven Andersen** and approved by Commission Members **Andersen, Draper, Kaufman, Michaelson, and Nilson**.

CITY COUNCIL REPORT

There was no report given from the March 29, 2011 City Council Meeting; however, the minutes of the meeting were provided in the staff report.

SUBDIVISION APPLICATION

#3 – Frank McCullough – (Public Hearing) – Applicant is requesting a recommendation of approval of a proposed planned unit development overlay for the Villa Susanna PUD subdivision consisting of five lots on property located on the northeasterly corner of 1400 North Main Street in an LR-F zone. (S-3-11)

David Petersen reviewed the history of this property and said **Susan Maughan** currently resides in the dilapidated home but is ready to downsize and begin a new phase in her life. Residents in the area have stepped in to assist with this process, and **Frank McCullough** has submitted a proposal to build five single-family units. The total area is 38,332 square feet (slightly lower than the 40,000 square feet requirement; however, if the City were to vacate portions of the public right of way on Main Street and 1400 North, the requirement would be met, and a fifth bonus lot could be granted. Additional standards such as an adequate turn around area for emergency vehicles, garbage collection, open space, types of construction materials and the architecture of the homes would also have to be met. Improvements such as utilities and sidewalks are already in place, and there is adequate space for a storm drainage system, if necessary.

Frank McCullough, 1596 Ridgeview Circle, has lived near the subject property since 1983, and he has volunteered his services in an effort to clean it up and find a good use for it. He informed the Commission that he developed Shepard Court—a subdivision with 19 homes on approximately 3 acres. The lots were 4,000 square feet, and although the homes are small, they were built well, and their value has remained high. He believes a similar plan with smaller lots and homes can be successful on this property. The building has deteriorated significantly and will cost \$100,000 to be demolished. His plan includes preserving as much of the landscaping as possible to buffer the area from the heavy traffic on both Main Street and 1400 North. He will not have any ownership in the PUD and will not profit from it.

Public Hearing: The public hearing was opened at 7:35 p.m.

Jesse Brown, 1422 North Main, said the home located in the center of this proposal would be facing her backyard, and she would like to be involved in the decision-making process of landscaping the new area.

Julie Barfuss, 673 Ridgewood Circle, said her property borders the Bamberger railroad property which borders this property. She believes Farmington City needs a variety of housing options, and she supports the proposal and feels that it will be a great improvement to the area.

Karen Bailey, 673 Ridgewood Circle, said she also supports this plan and believes it will alleviate some of the anxiety residents in the area have experienced because of the situation.

Geri Allen, 736 Moon Circle, submitted a letter saying she is against the building of townhouses, twin homes, duplexes or apartments on this property.

The public hearing was closed at 7:40 p.m.

Chairman Young commended the neighbors for their efforts to resolve this situation. He asked for comments and/or questions from the Commission, and they discussed issues such as whether or not there may be affordable housing funds to assist in the demolition process, at what point a builder would assume responsibility for the project, ingress/egress issues, and the steep grade and heavy traffic in the area.

Motion: Steven Anderson made a motion to approve the proposed Preliminary (PUD) Master Plan and Schematic Subdivision Plan subject to all applicable Farmington City ordinances and development standards and the following five conditions:

1. Applicant will provide a development schedule indicating the approximate date when construction is expected to begin and the date of completion.
2. Applicant must submit and obtain preliminary plat approval from the Planning Commission.
3. Additional information regarding the proposed dwellings must be provided to the City—including, but not limited to, information regarding architectural details to ensure that the garages do not dominate the parking area, that porches are accentuated, that the rear and side elevations will display an attractive “front” to Main Street and 1400 North, and that the design contributes to the justification of a density bonus for the fifth lot.
4. The Farmington City Historic Commission must perform a complete evaluation of the existing building—including photographs, documentation, salvaging, etc.
5. The City must vacate portions of the public right-of-way easements on Main Street and 1400 North to increase the total area from 38,332 square feet to 40,000 square feet.

The motion was seconded by **Rick Draper** and approved by Commission Members **Andersen, Draper, Kaufman, Michaelson, and Nilson**.

Findings for Approval:

- a. The proposed layout will provide a more pleasant and attractive living environment than a conventional development established under the strict applications of the provisions of the underlying zones. The Planning Commission shall consider the architectural design of the buildings and their relationship on the site, the development beyond the boundaries, and the landscaping and screening as related to the several uses within the proposed PUD and as a means of its integration into its surroundings;
- b. The proposed PUD will create no detriment to adjacent property, and the Planning Commission may require that the uses of least intensity or greatest compatibility be arranged on the boundaries of the project and that yard and height requirements of the adjacent zone apply to the periphery of the PUD;

- c. The proposed PUD will provide more efficient use of the land and more usable open space than a conventional development permitted in the underlying zone, and the Planning Commission shall consider the residential density of the proposed development and its distribution;
- d. The increased density allowed within the PUD will be compensated by better site designs and the provision of increased amenities, common open space, and recreational facilities. To insure this requirement is achieved, site plans and other plans should be prepared by design professionals;
- e. Any variation allowed from the development standards of the underlying zone will not increase hazards to the health, safety, or general welfare of the residents of the proposed PUD. Based on its action of the Preliminary (PUD) Master Plan, the Planning Commission shall make recommendations to the City Council and include a list of recommendations for deviation from the requirements of the underlying zone requirements.

CONDITIONAL USE APPLICATIONS

#4 – W & R Enterprises LC – (Public Hearing) – Applicant is requesting approval of a conditional use permit for the expansion of the Burt Brothers Tire and Service Center on property located at 976 West Shepard Lane in a C zone. (C-5-11)

Christy Alexander referred to the background information included in the staff report.

Dave Richards, architect, 1399 South 700 East, Salt Lake City, and the general contractor for the project were present. They are in the process of updating the look and function of this Service Center which will have a nicer, cleaner look.

The Commission discussed the possibility of widening an entrance on the south end of the parking area; however, **Mr. Petersen** recommended that the City's Traffic Engineer review the proposal prior to a decision by the Commission regarding the ingress/egress points related to this Service Center.

Ron Burt, 1055 South 1650 East, Bountiful, said they opened the Farmington store almost 20 years ago, and they did not know if they would survive the freeway construction. It was difficult to get a bank loan, but they hope their new store will provide additional sales tax and will be an asset to Farmington.

Public Hearing: The public hearing opened at 8:05 p.m. There was no one from the public to speak regarding this issue and the public hearing was closed.

Motion: **Michael Nilson** made a motion to approve the conditional use permit for expansion of the Burt Brothers Tire & Service Center, subject to all applicable codes, development standards and ordinances and with the following conditions:

1. All signs on the site shall conform to applicable sign regulations.
2. All concerns of the Fire Department must be addressed prior to the start of construction.
3. An oil and water separator must be added to the existing storm drain system.
4. The existing 8-inch water line must be relocated and cannot be built in close proximity to the new buildings.
5. The use granted is solely for the purposes of a tire and service center, and no other commercial activities of any kind shall be associated with this use permit.
6. The City Traffic Engineer will review the proposal and consider the widening of the current entrance.

The motion was seconded by **Nelsen Michaelson** and approved by Commission Members **Andersen, Draper, Kaufman, Michaelson, and Nilson**.

Findings:

- a. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community as it is an expansion of the current well-used tire and service center.
- b. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular commercial use as a tire and service center.
- c. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
- d. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing commercial development in the area.
- e. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
- f. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity and does not cause:
 - Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
 - Unreasonable interference with the lawful use of surrounding property; and
 - A need for essential municipal services which cannot be reasonably met.

#5 – Davis School District – (Public Hearing) – Applicant is requesting approval of a conditional use permit for construction of a new Monte Vista School on property located at 97 S. 200 E. in an OTR-F zone. (C-3-11)

Christy Alexander referred to the background information in the staff report and said the final landscaping plan will be forthcoming.

Brian Turner, 434 East 1800 South, Kaysville, Davis School District representative, and **Skyler Rubel** and **Nolan Ward** of MHTN Architects in Salt Lake City, said this project will be funded through a bond initiative. It will be a unique building and a one-of-a-kind facility which will aid in the care of children who have learning disabilities, emotional issues, or who are severely disabled. It will be built in 2 phases which will allow the school to remain open during construction. The west half of the school will be two stories high, there will be 20-30 additional parking spaces, and the number of staff will remain about the same.

Public Hearing: The public hearing was opened at 8:10 p.m.

Wallace Gatrell, 40 North 100 West, owns the property at 79 South 300 East, and there are times when he and his renters cannot park in front of their property because school patrons park in front of the home. He asked that the east side of 300 South be restricted to owners and/or guests. City staff agreed to forward his complaint to the police station.

Ralph Reeves, 139 south 100 South, lives directly east of the school. He is a proponent of this project and the removal of the portables. The driveway on the north end of the property has a significant amount of traffic, and he asked if that would continue. **Mr. Turner** replied that the Computer Repair Department was located on that end of the building, but it has been relocated. When the new building is finished, that driveway will handle only kitchen deliveries.

Barbara Atwood, 86 South 350 East, and owner of the property at 89 South 300 East, said she lives directly across the street from the school. They also experience problems with parking, but she said the new school will be a great addition to the area.

Michael ????, 46 South 300 East, said he has experienced problems with school patrons parking too close to driveways and blocking garbage can areas, and he asked where the main access point would be during the demolition process.

The public hearing was closed at 8:30 p.m.

Motion: **Nelsen Michaelson** made a motion to approve the conditional use permit for the construction of a new Monte Vista School subject to all applicable codes, development standards and ordinances, and the following conditions:

1. All signs on the site shall conform to applicable sign regulations.
2. Outdoor lighting, if used, must be subdued. All lighting shall be designed, located and directed to minimize glare, reflection, and light pollution into adjoining and nearby lots.
3. The use granted is solely for the purpose of a school and offices associated with the school, and no other recreational or residential activities of any kind shall be associated with this use permit.
4. A final landscape plan shall be reviewed and approved by the City Planning Department.

Motion: **Steven Andersen** seconded the motion which was approved by Commission Members **Andersen, Draper, Kaufman, Michaelson, and Nilson.**

Findings for Approval:

- a. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community. The Monte Vista School is a great asset to the Davis School District and the entire special needs demographic in Davis County;
- b. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use as it is merely replacing the existing school;
- c. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan;
- d. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development as it will be a much needed upgrade to the current facilities;
- e. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation;
- f. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity and does not cause:
 - Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
 - Unreasonable interference with the lawful use of surrounding property; and
 - A need for essential municipal services which cannot be reasonably met.

At 8:30 p.m. **Vice Chairman Young** requested that the Commission take a 10-minute recess. The meeting resumed at 8:40 p.m.

#6 - PacifiCorp – (Public Hearing) – Applicant is requesting approval of a conditional use permit for the expansion of the Farmington Substation on property located at 70 North 200 West in an OTR zone. (C-6-11)

Christy Alexander reviewed the background information provided in the staff report.

Steve Rush, 1438 West 2550 South, Ogden, Community Manager for RMP in Davis County, expressed gratitude to City staff for their assistance and said the purpose of the expansion is to provide additional power

to Farmington. They plan to double the capacity, place an 8-foot decorative stone wall around the perimeter of the Substation, and the existing trail will be moved slightly to the west.

Public Hearing: The public hearing was opened at 8:55 p.m.

Chadwick Greenhaugh, 208 West State Street, said he is representing some of the residents in the area who have concerns regarding this proposal. The fence to this substation is only 50 feet away from the nearest residence, and they are concerned about the increased sound, safety, and electro magnetic fields. The **Miller** family cannot have a conversation in their backyard because of the loud hum from the substation. He asked the power company to consider other locations and to think of the safety of neighbors in this area.

Cindy ?????, 72 West State Street, said she received the notice letter today, and many of her neighbors were not made aware of this request. She agreed with the comments made by the previous resident and asked that RMP install a new substation in west Farmington where there is more space.

Steve Rush responded to questions and comments from residents and said studies have shown that power lines are safe. This substation has three wires which provide connecting links to serve adjacent communities, and the reality is that they are safe and well below dangerous levels. He said it is very unlikely that a fire truck would ever be necessary because most electrical fires are not fought with water.

The public hearing was closed at 9:25 p.m. **Christy Alexander** confirmed that notices were sent to residents in the area eight days prior to this meeting. Following some discussion, the Commission asked Rocky Mountain Power to use Corten steel on the tower poles and to use Farmington rock colors on the stone wall. **Mr. Rush** said he would pursue both possibilities.

Motion: **Rick Draper** made a motion to approve the conditional use permit for the expansion of the Rocky Mountain Power substation subject to all applicable codes, development standards and ordinances with the following conditions:

1. The applicant and the City will enter into an agreement for the land swap and relocation of the existing trail.
2. The relocation of the existing trail will create a grade on the trail that is concurrent to the existing grade or less.
3. The applicant will continue to work with the City's Planning Department to review and finalize a landscaping plan which will be installed and maintained as discussed in the proposed plan.
4. The tower poles will be constructed using Corten which is a corrosion resistant weathering steel.

The motion was seconded by **Nelsen Michaelson** and approved by Commission Members **Draper**, **Kaufman**, **Michaelson**, and **Nilson**. Commission Member **Steven Andersen** did not approve the motion.

Findings for Approval:

- a. The proposed use of this particular location is necessary and desirable and provides a service which contributes to the general well-being of the community by providing the City with its power supply;
- b. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use as it is merely an expansion of the current use;
- c. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan;
- d. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development as the addition of a stone wall and landscaping will enhance the current conditions.

- e. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation;
- f. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity and does not cause:
 - Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
 - Unreasonable interference with the lawful use of surrounding property; and
 - A need for essential municipal services which cannot be reasonably met.

ZONING TEXT AMENDMENTS

#7 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation of approval for minor amendments to the City’s Subdivision Ordinance requiring the words “Planned Unit Development (PUD) or “Conservation Subdivision” in the name/title on final plats (12-6-110 (4)); and updating plat expiration/deadline standards (12-6-110). (ZT-1-11)

David Petersen reviewed each amendment as explained in the staff report.

Public Hearing: The public hearing was opened at 9:30 p.m. There was no one from the public to speak regarding this matter, and the public hearing was closed.

Motion: **Nelsen Michaelson** made a motion that the Planning Commission recommend approval of the proposed amendments to the City’s Subdivision Ordinance as set forth in the April 14, 2011 staff report with the following additions and/or changes: The words “together with any applicable fees” will be added to the 12-month extension sentence of Section 12-6-110(2). The motion was seconded by **Michael Nilson** and approved by Commission Members **Andersen, Draper, Kaufman, Michaelson, and Nilson**.

Findings for Approval:

1. The inclusion of the words “a Planned Unit Development” and/or “a Conservation Subdivision” better informs the public and potential property owners and reminds City staff that a particular subdivision is not a conventional subdivision; and
2. Provides clear expiration dates and deadlines for preliminary plan approval.

#8 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation of approval for minor amendments to the City’s Zoning Ordinance by establishing secondary dwellings in agriculture zones (11-10-020); defining the term “front-loaded garages” in conservation subdivisions (11-12-090(f)(l)); deleting a reference in 11-12-090(f)(5) that does not exist; amending vinyl siding standards in the OTR zone (11-17-070(6)); clarifying the term “medium-density residential in TMU zones (11-18-105); restricting residential uses in the OMU zone (11-18-105); modifying building height and open space standards in all TMU zones (11-18-107) and Project Master Plans (11-18-108); amending setback standards for sports courts (11-28-060(c)); allowing City staff to review and approve sales offices in model homes as a permitted use subject to certain standards (11-31-106(1)(a)). (ZT-1-11)

David Petersen reviewed City staff’s comments regarding each of these amendments.

Public Hearing: The public hearing was opened at 10:00 p.m.

Chadwick Greenhalgh, 208 West State Street, said he is supportive of all these changes, and he expressed appreciation for the City’s efforts in these amendments--specifically in the OTR (Original Townsite

Residential) zone. He requested that City staff include the Historic Preservation Commission in the effort to revise the text in Section 4 regarding standards in the OTR zone.

The public hearing was closed at 10:02 p.m.

Motion: Nelsen Michaelson made a motion that the Planning Commission recommend approval of the proposed amendments to the Zoning Ordinance as set forth in the April 14, 2011 staff report with the following amendments: (1) Item #4 shall be removed to allow further research; (2) Staff shall prepare an exhibit to be included as part of the appendix of Chapter 17 illustrating the “other” yard in 11-17-070(6); (3) Paragraph 8 shall include language stating that the expiration date may be extended by written agreement; and several other minor amendments as discussed. The motion was seconded by **Rick Draper** and approved by Commission Members **Andersen, Draper, Kaufman, Michaelson, and Nilson**.

Findings for Approval:

1. Provides greater opportunities for alternative forms of housing thus meeting housing goals set forth in the General Plan;
2. Clarifies and/or removes unclear and confusing terms, or references that do not exist;
3. Allows the use of metal and vinyl siding on portions of structures in the OTR zone, which portions are not visible from the street;
4. Large buildings with several dwelling units (more than 6 are not compatible with the medium density residential designation in mixed use zones;
5. The Office Mixed Use area is primarily for office and commercial uses. Large high density projects are a primary use and should not be permitted in OMU areas;
6. The two story height and greater open space requirements are more compatible with the purposes of the RMU zone;
7. Economic environments change, and often futures are uncertain. Development plan and PMP approvals in the mixed use zone should have standards related to expiration for such approvals;
8. Property owners of corner lots may not be able to locate sports courts properly without known fixed setback dimensions from all property lines. The setback of 15 feet from the side corner property line is appropriate because sometimes fences for sports courts may exceed the height standards set for conventional fences, and tall fences too close to the right-of-way may negatively impact the visual quality of the streetscape;
9. Approval of Sales Offices in model homes have become routine in nature, and the approval authority related thereto should be delegated to staff. Standards for such uses imposed by the Planning Commission in the past are set forth in the ordinance and can be easily applied by staff.
10. The practices of measuring driveway widths as set forth in the staff report makes sense and should be memorialized by ordinance.

Motion: Steven Andersen made a motion to extend the meeting past 10:00 p.m. It was seconded by **Nelsen Michaelson** and approved by Commission Members **Andersen, Draper, Kaufman, Michaelson, and Nilson**.

#9 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation of approval for minor amendments to the City’s Open Space Waiver Zoning Ordinance enacting Section 11-12-068 regarding a fee in lieu of conservation land dedication. (ZT-1-11)

David Petersen explained that this amendment will include a new section (1-12-068) regarding the payment of a fee in lieu of a conservation land dedication.

Public Hearing: The public hearing was opened at 10:05 p.m. There was no one from the public to speak regarding this matter, and the public hearing was closed.

Motion: **Michael Nilson** made a motion that the Planning Commission recommend approval of the proposed amendment to the Zoning Ordinance enacting Section 11-12-068 as set forth in the April 14, 2011 staff report with the addition that the fee must be used for open space or park acquisition or development and may not be used for any other purpose. The motion was seconded by **Kris Kaufman** and approved Commission Members **Andersen, Draper, Kaufman, Michaelson, and Nilson.**

Findings for Approval:

1. The amendment provides a clear process to allow the City Council to approve and accept a fee in lieu of conservation land dedication.

ADJOURNMENT

Motion: **Steven Andersen** made a motion to adjourn the meeting which was seconded by **Rick Draper** and approved by Commission Members **Andersen, Draper, Kaufman, Michaelson, and Nilson.** The meeting was adjourned at 10:07 p.m.

Jim Young, Vice Chairman
Farmington City Planning Commission